

GP-303269

REMARKS

Claims 1-27 are pending in the present Application. Claims 1, 9, and 18 have been amended and Claims 2, 3, 10, 11, and 23-27 have been cancelled, leaving Claims 1, 4-9, 12-23 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. For example, support for the amendment to Claim 1 may be found at least in Claims 2 and 3 as well as Figure 1 as originally filed. Support for the amendment to Claim 9 may be found at least in Claims 10 and 11 as well as Figure 1 as originally filed. Support for the amendment to Claim 18 may be found at least in Claim 23 and Figure 1 as originally filed.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-23 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the s was filed, had possession of the claimed invention.

The rejection has been rendered moot by the amendments to Claims 1, 9, and 18.

First Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1-4, 6, 8-12, 14, 16-19, 21-23 and 26-27 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,351,515 to Yoshida (hereinafter "Yoshida"). The rejection to Claims 2, 3, 10, 11, 23, 26 and 27 is rendered moot by the cancellation thereto. Applicants, however, respectfully traverse the rejection to Claims 1, 4, 6, 8, 9, 12, 14, 16-19, 21 and 22.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

GP-303269

Yoshida fails to anticipate independent Claims 1, 9, and 18 because the cited reference fails to disclose an impact energy absorbing system comprising, *inter alia*, the feature of a secondary impact surface that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest.

The Examiner has stated in the current Office Action that the end caps of the support member are interpreted as the secondary impact surfaces. In Yoshida, there is no possible way for the secondary impact surface to ever be in direct contact with a portion of the primary impact surface because the spring is interposed directly between the two. This is clearly shown in Yoshida's Figure 1.

Accordingly, Yoshida does not anticipate independent Claims 1, 9, and 18. Given that Claims 4, 6, 8, 12, 14, 16, 17, 19, 21 and 22 depend from, and ultimately include all of the limitations of, Claims 1, 9, and 18, these claims are also not anticipated by Yoshida for at least the same reasons. Withdrawal of the rejection is hereby respectfully requested.

Second Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 6, 8-10, 12, 14, 16-19, 21, 22, and 24 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,427,813 to Carlson (hereinafter "Carlson"). The rejection to Claims 2, 10, and 24 is rendered moot by the cancellation thereto. Applicants, however, respectfully traverse the rejection to Claims 1, 4, 6, 8, 9, 12, 14, 16-19, 21 and 22.

Like Yoshida above, Carlson also fails to disclose Applicants claimed feature of secondary impact surface that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest. In fact, Carlson is absolutely silent as to the existence of a secondary impact surface.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection of Claims 1, 4, 6, 8, 9, 12, 14, 16-19, 21 and 22.

GP-303269

Third Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 6, 18, 19, 21, 22 and 24 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,942,947 to Shtarkman (hereinafter "Shtarkman"). The rejection to Claims 2 and 24 is rendered moot by the cancellation thereto. Applicants, however, respectfully traverse the rejection to Claims 1, 4, 6, 18, 19, 21 and 22.

Like the Carlson reference cited above, Shtarkman fails to disclose a secondary impact surface, let alone a secondary impact surface that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest.

As such, Shtarkman fails to anticipate Claims 1, 2, 4, 6, 18, 19, 21, and 22 for at least this reason.

First Claim Rejection Under 35 U.S.C. § 103(a)

Claims 5, 7, 13, 15, 20, and 25 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Carlson in view of US Patent No. 5,525,249 to Kordonsky et al (hereinafter "Kordonsky"). The rejection to Claim 25 is rendered moot by the cancellation thereto. Applicants, however, respectfully traverse the rejection to Claims 5, 7, 13, 15, and 20.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

GP-303269

Claims 5 and 7 depend from, and include all of the limitations of, Claim 1; Claims 13 and 15 depend from, and include all of the limitations of Claim 9; and Claim 20 depend from, and include all of the limitations of, Claim 18. Applicants assert a *prima facie* case of obviousness has not been established against Applicants' Claims 1, 9, and 18 because the cited references, individually or in combination, fail to teach or suggest at least a secondary impact surface, let alone a secondary impact surface that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest.

The deficiencies of Carlson are discussed above. Kordonsky merely discloses magnetorheological fluid compositions. There is no disclosure or suggestion of devices. Because of this, the cited references fail to teach or suggest all limitations of Applicants independent Claims 1, 9, and 18.

Accordingly, Applicants respectfully request withdrawal of the rejection to Claim 5, 7, 13, 15, and 20.

Second Claim Rejection Under 35 U.S.C. §103(a)

Claims 5, 20, and 25 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Shtarkman in view of Kordonsky et al. Applicants respectfully traverse the rejection to Claims 5 and 20, as Claim 25 has been cancelled.

Applicants assert a *prima facie* case of obviousness has not been established against Applicants' Claims 1 and 18 because the cited references, individually or in combination, fail to teach or suggest at least a secondary impact surface, let alone a secondary impact surface that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest.

The deficiencies of Shtarkman are discussed above. Kordonsky merely discloses magnetorheological fluid compositions. There is no disclosure or suggestion of devices. Because of this, the cited references fail to teach or suggest all limitations of Applicants independent Claims 1 and 18.

GP-303269

Accordingly, Applicants respectfully request withdrawal of the rejection to Claim 5 and 20.

Third Claim Rejection Under 35 U.S.C. §103(a)

Claims 5, 7, 13, 15, and 20 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Yoshida in view of Kordonsky et al. Applicants respectfully traverse this rejection.

Applicants assert a *prima facie* case of obviousness has not been established against Applicants' Claims 1, 9, and 18 because the cited references, individually or in combination, fail to teach or suggest at least a secondary impact surface, that is in direct contact with a portion of the primary impact surface when the energy impact system is at rest.

The deficiencies of Yoshida are discussed above. Kordonsky merely discloses magnetorheological fluid compositions. There is no disclosure or suggestion of devices. Because of this, the cited references fail to teach or suggest all limitations of Applicants independent Claims 1 and 18.

Accordingly, Applicants respectfully request withdrawal of the rejection to Claim 5, 7, 13, 15, and 20.

GP-303269

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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